

From: [Kivowitz, Sharon](#)
To: [Kevin Maldonado](#)
Cc: [Vazquez, Julio](#); [Mannino, Pietro](#); [Ernie Rossano](#); [Chris Wenczel](#); ["Alexandra Stark"](#); [Phil Coop](#); [Suzanne Avena](#); [John Martin](#); [Phillip Landrigan](#)
Subject: RE: Extension
Date: Friday, May 14, 2021 1:51:00 PM

I am writing in response to Kevin Maldonado's May 12, 2021 request for an extension until June 3rd to submit revised deliverables. In Julio Vazquez's May 6, 2021 email to Ernie Rossano, he informed the Respondents to the administrative order in the eastern and central plume groups ("plume groups") that if they intended to seek revisions to Table 3 of the PDI Workplan they must request a meeting to be held by the end of May or in early June. To date, no such meeting has been requested yet you once again request an extension, this time until June 3rd, to submit "the materials." It is unclear what "materials" you intend to submit on June 3rd. Will you be submitting the revised deliverables reflecting the wells identified in Table 3 of the PDI Workplan? Or will you be submitting materials that request changes to the number and locations of wells listed in Table 3? If it is the former, and you are agreeing to perform the work as currently set forth in Table 3, then we will grant the extension until June 3rd. If it is the latter, and you intend to first submit proposed changes to Table 3 by June 3rd, then the request for an extension is denied.

The plume groups were informed in my January 20, 2021 email that EPA was willing to discuss revisions to Table 3 and that such discussions could occur on a parallel track but that the required deliverables would need to be timely submitted. EPA had expected that these discussions would have occurred during the months prior to the submission date of the deliverables so that the deliverables would reflect any agreements we might have reached regarding Table 3. However, the plume groups never reached out to EPA to initiate such discussions nor requested any specific changes to be made to Table 3. Instead, your clients submitted incomplete deliverables with "TBD" included as a placeholder for wells to be drilled. As Julio Vazquez stated in his May 6th email, it was incumbent on the plume groups to timely request changes to Table 3. EPA drafted Table 3 and believes the location and number of wells identified on that Table are what is required to move this project forward. It is the plume groups that are seeking changes.

If you are seeking changes to Table 3, Mr. Rossano must contact Julio Vazquez by no later than Monday, May 17, 2021, to set up a time for all of the parties to meet. The meeting must be held by no later than June 4, 2021. The parties should be prepared to fully discuss their proposals for revisions to Table 3 at that meeting. Any written justifications you intend to submit regarding revisions to Table 3 must be submitted to Julio by no later than May 21, 2021. EPA will not accept written submissions after that date. Your submissions and presentations at the meeting should relate specifically and only to the number and location of wells to be drilled to complete PDI Directive 2. We will not revisit the issues that were addressed in Pat Evangelista's September 2, 2020 letter in response to your clients' various submittals to then Regional Administrator Lopez.

Please note that EPA acknowledges, but does not accept or approve of, the delay caused by the plume groups' failure to submit timely and complete deliverables as a result of the failure to request changes to Table 3 in a timely manner. EPA is not implicitly condoning this delay and reserves its right to take any appropriate action in the future as it relates to this delay.

If you have any questions, please call me.

Sharon

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From: Kevin Maldonado <kevinmaldonado64@yahoo.com>

Sent: Wednesday, May 12, 2021 5:06 PM

To: Kivowitz, Sharon <Kivowitz.Sharon@epa.gov>

Cc: Vazquez, Julio <Vazquez.Julio@epa.gov>; Mannino, Pietro <Mannino.Pietro@epa.gov>; Ernie Rossano <ernie.rossano@erm.com>; Chris Wenczel <chris.wenczel@erm.com>; 'Alexandra Stark' <astark@ensafe.com>; Phil Coop <pcoop@ensafe.com>; Suzanne Avena <savena@garfunkelwild.com>; John Martin <jmartin@garfunkelwild.com>; Phillip Landrigan <plandrigan@cll-law.com>

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Sharon:

I am writing to request a two week extension of the May 20, 2021 deadline set forth in the May 6, 2021 email sent to us by Julio. We are working diligently to satisfy your request and will be able to submit the requested material by June 3, 2021. Thank you for your consideration of this request.
Thanks, Kevin.